

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**JERRON TAYLOR
ADC #151346**

PLAINTIFF

v.

No. 4:19-cv-559-DPM

**WALKER JOHNSTON, Officer,
Little Rock Police Department,
KENNETH McMAHAN, Officer,
Little Rock Police Department**

DEFENDANTS

ORDER

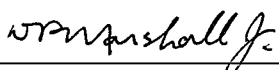
1. Motion to proceed *in forma pauperis*, No. 1, granted. Taylor must pay the filing fee, but over time. 28 U.S.C. § 1915(b)(1). The Court assesses an initial partial filing fee of \$10.43. After the initial fee is collected, Taylor's custodian must collect monthly payments from Taylor's prison trust account each time the amount in the account exceeds \$10.00. These payments will be equal to twenty percent of the preceding month's income credited to the account; and they will be collected and forwarded to the Clerk of the Court until the \$350.00 filing fee is paid in full. 28 U.S.C. § 1915(b)(2). The payments forwarded on Taylor's behalf must be clearly identified by the case name and case number.

2. The Court directs the Clerk to send a copy of this order to the Administrator of the Pulaski County Detention Center, 3201 West Roosevelt Road, Little Rock, Arkansas 72204.

3. The Court must screen Taylor's complaint. *No 2*; 28 U.S.C. § 1915A. Taylor alleges that on 18 July 2011 he was shot twice while fleeing from Johnston and McMahan, officers with the Little Rock Police Department. He also says the Defendants used excessive force against him based on his race. *No 2 at 4-5, 7-9*. The statute of limitations for a § 1983 action is the forum state's statute of limitations, which in Arkansas is three years. *Miller v. Norris*, 247 F.3d 736, 739 (8th Cir. 2001). Taylor filed this case in August 2019, eight years after he says he was shot. His § 1983 claim is therefore barred by the statute of limitations.

4. Taylor's complaint will be dismissed with prejudice. This dismissal counts as a "strike" within the meaning of 28 U.S.C. § 1915(g). An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.



D.P. Marshall Jr.
United States District Judge

